



The Minden Town Board meeting was held at 5:30 p.m. on Wednesday, May 4, 2011, at 1602 Esmeralda Avenue, Minden, Nevada.

## **I. PRELIMINARY MATTERS AND PUBLIC INTEREST COMMENTS**

Meeting was called to order at 5:30 by Chairman Stephans.

1. Pledge of Allegiance was led by Mr. Thaler.
2. Stangle/Condrón moved to approve the agenda. Motion carried unanimously.
3. Bernard/Stangle moved to approve the minutes of the April 6, 2011 Board Meeting. Motion carried unanimously.
4. Mr. Stephans noted that the vouchers and claims had been signed.
5. Acknowledgement of gifts: none
6. Acknowledgement of service awards: none
7. Public comment:

Bob Pohlman said there was an amendment being proposed at the legislature that would remove public comment from each agenda item. Mr. Stephans said that as long as he is chairman there will be public comment held.

Sandy Deyo had attended the Pops concert and said it was outstanding.

## **II. STAFF REPORTS**

1. Public Works: Monthly report of activities by Greg Hill.

The Bureau of Safe Drinking Water gave approval today to put tank into service. The tank will be painted in June.

Buckeye pipeline is almost complete; there is still some testing to be done on the lower line.

NV Energy has given approval for Well 3; work will be starting soon, and should move fast.

Work at the Buckeye Maintenance Facility water main will start on Monday.

The new house at Silver Birch and Deseret has a sewer problem that was determined to actually be the Town's problem. Knox Excavation dug it up today and a sewer lateral was broken; after more exploration it became apparent that it was broken during the new water main construction but no one knew that this occurred; the Town has accepted the responsibility.

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We are working with NV Energy and still waiting for the estimate for the cost of the street lights on 395.

2. Engineering Report: Monthly report by Bruce Scott.

Mr. Usher, representing Bently, has the revised draft agreement for the northern Booster Pump station, and we should have it by the end of the week.

The struggle with FEMA continues on the Buckeye Booster station and Maintenance facility site. We are concerned about the delay of CLOMR letter and hope that perhaps the County could work with us on the building permit before we get the letter. Hopefully the hold up has nothing to do with the County issue with FEMA.

We are progressively getting more information on design details through Douglas County and their Engineer, Manhard Consulting, regarding the County system and operational parameters regarding operation and pressure as we pump to push water north. Operational characteristics of the county end of the system have only gradually evolved, and it looks like we need to change our emphasis a little. We originally anticipated that the Booster station on Buckeye could pump higher volumes north during the day and fill the tank at night. We are restricted in the volumes we can pump into the 24 inch main because of pressure issues. As a result, we are finding that we need to pump our wells longer at lower volumes so the emphasis is more on our wells and less on our tank. We are reviewing the Booster Pump Station to phase it, to reduce the initial cost so money may be put into more well capacity as part of our first phase of improvements. We are looking at equipping Well 7 for Town production, and connecting the Bently park to our water system. Well 7 and Well 8 in the Science Park can both pump directly to the tank without going through the booster pump station. This would better match the limitations that we have; our current well capacity is fine for the Town but pumping water north is the problem. Bruce would like to create additional well capacity for peak demands as well as for safety and redundancy in case of the loss of well production due to mechanical failure. He is reviewing the costs of a new well at the Booster Pump station that might be partially funded from savings in construction for the projects which are nearing completion and reduced costs of the Booster Pump station if we do it in phases. He will put costs and savings estimates together for the Board to review and discuss.

Mr. Stephans asked for the worst case scenario and preliminary numbers to look at.

We are proposing to go to bid in June for the street sealing with approval in July. The work will be primarily in Westwood, and in areas that were paved last year.

We have met with Douglas County Utilities concerning water rights. Carson City, Indian Hills and Douglas County are to be transferred to Minden to pump and deliver back to them. Indian Hills is not ready to move water yet but Carson City and Douglas County are. We are putting together the first phase of water right changes to better match well capability. We anticipate Minden meeting with counties involved (Lyon, Churchill, Douglas, Carson) informally to discuss this, to get the information out to try to avoid any protests. The first round of transfers will be filed in June.

Mr. Bernard questioned the hydraulic problem going north and if there is anything that the County might do to fix their system. The primary issue is the operating pressure in the county's system and restricted capacity to and from the County tanks on Johnson Lane. Basically a lot of money would need to be spent if they added additional capacity. Their system has its own problems, including having limited capacity loops and parallel lines. Mr. Scott is really interested in seeing more production capacity and redundancy for Minden, and having the control on our end to assure delivery.

Mr. Scott said that on the next agenda there will be a request to purchase water from the

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town for the fire fighting facility that will be in Indian Hills.

### 3. Attorney Report: Monthly report by George Keele

Mr. Keele met with Mr. Stephans concerning the lease on tonight's agenda and with Mr. Van Alyne on several matters. He recently found himself in the U.S. Supreme Court as a party with the Nevada Commission on Ethics rather than as an arguing attorney. Mr. Keele gave a moving account of his experience, and said that it was the most incredible and persistent ritual of government that he has ever been a party to. Decision from this case will have ramifications concerning statutes concerning abstention and disclosure. He originally intended to have ethics training this meeting and we will likely schedule ethics training for those that have not had training in the next 4-6 weeks.

Mr. Condron appreciated Mr. Keele's heartfelt story and the reminder of how great this county is.

### 4. Manager's Report: Monthly report by Roger Van Alyne.

There is an investment group working to purchase the Gateway Center; they are testing the viability of the project on leasing units.

He is looking for feedback on when to do a mission, vision, values and core competencies workshop for June, and would like to engage a facilitator. He is proposing sometime the week of June 13; he would also like to schedule the water system tour. The Board committed to get back to the manager this week after looking at schedules.

Martin Slough ditch trail update: There is a push to complete purchase of the Seeman ranch. CVI will be purchasing a portion of the ranch to expand their parking lot, and will have part of the trail on their portion. He will keep the board abreast on timeline and discussion of amenities.

The bids were opened for the NDOT paving on Highway 395; work will start on the north end and he does not anticipate work in Minden until 2012-13.

He will accept promoting Minden suggestions until May 23, to be reported in June.

Mr. Thaler questioned if the weed problem is addressed at the Gateway Center and the status of the banner poles; Mr. Van Alyne said that he will renew his effort to talk to U.S. bank about the weeds. It will cost \$36,000 for banner poles on 395 without installation.

## III. ADMINISTRATIVE AGENDA

### **1. Discussion and possible action to adopt or reject Town of Minden Resolution #2011R-001, a resolution of support to establish the Town of Minden Property Tax Rate for the Fiscal Year 2011-2012. Appearance by John Stephans, Town Board Chairman.**

Mr. Stephans said that a couple weeks ago there was a workshop discussion with Douglas County concerning tax rates and helping Douglas County with their budget deficit. Scenario 13 was selected; it would reduce the tax rate of Minden, Gardnerville and Indian Hills. The county would raise their ad valorem tax rate and lower Minden's, which would be established at \$0.6677 for fiscal Year 2011-2012.

Michael Brown, Douglas County Manager, offered to answer any questions. This will affect East Fork as well. Mr. Thaler verified that Indian Hills and Gardnerville had already approved the resolution; it

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will still go for approval to the BOCC which serves as the East Fork Fire and Paramedic Board also.

No public comment.

Mr. Stephans read the resolution.

Thaler/Condron moved to approve Resolution #2011R-001, a resolution of support to establish the Town of Minden Property Tax Rate for the Fiscal Year 2011-2012. Motion carried unanimously.

### **2. Discussion and possible direction to staff regarding a proposed interpositional agreement for support services between the Town of Minden and Douglas County. Appearance by Town Manager.**

Mr. Van Alyne said that the purpose of this item is to get a discussion going. The packet has draft of new agreement produced by Town manager.

Mr. Thaler said the original was Douglas County's agreement with the Town. Why should we change it if it worked for 10 years? It allows Douglas County to provide a lot of services to the Town at no cost. He felt that Mr. Van Alyne should set up a meeting with Mr. Brown and come to an agreement, and present it at the next Board meeting; Douglas County events that raised revenue should be addressed in the agreement.

Mr. Condron felt that we should update the agreement making it current to 2011, and if possible make it a two way street allowing them to use our facilities. He agreed that the managers should meet.

Mr. Stephans agreed it should get knocked out; he appreciates the work done and the concern taken.

Mr. Keele agreed with Mr. Thaler's concept that this agreement is driven by Douglas County. He felt that it needs to be added that even though essentially this has been the case for the past 31 years, the County has gone out of its way to be deferential to the Town and sought the voice and will of this Board to accommodate them. Legally the Town has little leg to stand on but it is a matter of practical application in good stead because of the relationship that has been developed.

### **3. Appearance by Christine Fixman to present and discuss a proposal to perform work in Jake's Wetlands.**

Ms. Fixman introduced herself and noted the main point she wanted to make is to inform the Board that this is an unsolicited proposal. At this point the Town is moving into a transition away from RCI managing Jake's Wetlands, and she believes that she could dovetail with Town staff in this transition. She is doing it partly as a town resident.

Mr. Stephans noted that RCI has done work and we have been fighting problems at the slough. Money has been set aside for improvements; he asked what can be accomplished in the current time frame. Ms. Fixman said she had hoped to begin work much earlier but was thinking in terms of gardening years not fiscal years. The addendum she provided addresses this. She said that if she was not able to begin immediately the Town staff could spray and address the problems in the dirt areas, and there is a great opportunity to do reseeding with overhead irrigation. She would like to see the high visibility areas on Lucerne and Monte Vista planted with native plants on drip lines; the Town staff could get area prepped.

Ms. Stangle thanked Ms. Fixman and remarked that this is not the first time she has stepped up to the plate. She asked if we can work with Ms. Fixman without going to bid; we worked with RCI in the past without going to bid. Ms. Fixman has spent a lot of time at Jake's Wetlands and really cares how it looks.

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Mr. Van Alyne said that we would follow the standard purchasing process: for this project we can solicit proposals from two firms to bid the project. The issue at hand is that within this year's budget we do not have resources identified to perform this work. If the Board requested we will identify where the funds will come from if we want to start this spring, to carryover for the next fiscal year.

Mr. Keele said we have two options: Do what the manager said or acknowledge that Ms. Fixman is an expert with a unique proposal, which is allowed by NRS. Built into it is both unfairness because it is her work product and improbability because of the uniqueness; an exemption is allowed for uniqueness and she qualifies for that.

Mr. Thaler said he did not believe that the amount quoted meets the bid threshold required by the County. Going to bid could put Ms. Fixman in an unfair position because she has done all the work.

Mr. Scott agreed that Ms. Fixman had a unique position, and what Ms. Fixman offers is a very good deal. The heart and soul is here for Minden in Ms. Fixman. He and his staff are committed to support Ms. Fixman and work at their own cost to make the transition work. He also suggested moving ahead before July 1.

Mr. Condron also recommended getting started early, and finding funds to do that so we do not lose June.

Mr. Bernard said we are lucky to have Ms. Fixman; she is pretty unique and has done wonders at her house. He thanked Mr. Keele for his insight and thought that if we had resources before, it seems we could find the money to allow the work to start.

Mr. Van Alyne will simplify this and present to the Board in June the sole sources paperwork.

Mr. Stephans summarized that there will be action at the June Board meeting based on sole source, RCI will help out with the transition, and we will look for funding to get this started during the current fiscal year.

Ms. Fixman asked the Board to discuss the educational booklet which she proposed to get the message out that the wetlands is not a park. Jay Aldrich would need to be compensated for his photography but her services in creating the pamphlet would not be charged.

Mr. Van Alyne said that this will be part of the packet for action in June.

**4. Discussion and possible action to approve, approve with conditions, continue, or deny a request for a new Lease for Debra White-Orr, dba 5<sup>th</sup> Street Salon, in the CVIC Hall Annex, 1604 Esmeralda Avenue, Suite 202. The proposed new lease provides for a one-year lease term with renewal options. Appearance by Town Manager.**

Mr. Van Alyne said that this is a newer version of the lease than that provided in the packet; the lease also needs to reflect the \$50.00 per month "CAM" charges in addition to the rent.

Mr. Thaler requested verification that new lease will be established at the same rate of \$488 per month.

Ms. Stangle questioned the "Pay in advance" term. Mr. Keele said that the rent is paid up front at the beginning of the month, which is the norm.

Mr. Thaler asked if Ms. Orr has read the lease and has full understanding. She said she has read it and agrees with it fully.

Mr. Stephans said this lease is contingent on client being current at the end of this month. It will be

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signed when she pays off charges under the old lease and prepaid her first month rent under the new lease, no later than the last day of May.

Mr. Bernard appreciates Ms. Orr's effort to get current, but realizes that it may come down to the last day of the month, and she needs to fully understand that it is critical to stay current. Ms. Orr said that her intention is to pay additional to have a reserve built up, which will cause no problem if she is a few days late to protect her position.

Public comment: none

Condron/Bernard moved to approve a request for a new Lease for Debra White-Orr, dba 5<sup>th</sup> Street Salon, in the CVIC Hall Annex, 1604 Esmeralda Avenue, Suite 202. The proposed new lease provides for a one-year lease term with renewal options. Motion carried unanimously. Ms. Orr thanked the board.

### **5. Appearance by R. O. Anderson Engineering to provide a progress report on the Ranch at Gardnerville project.**

Mr. Van Alyne said new information had been provided by Mr. Anderson after the packets were published, and was handed out tonight.

Mr. Bernard noted his interest in this project because of his employment with Anderson Engineering, even though it is not an action item.

Rob Anderson said Carrie McAninch and Greg Painter were present tonight. Since last appearance to the Board, there have been numerous meetings with Douglas County that would relate to both Minden and Gardnerville. The conclusion was reached that there was a better way to proceed, which involves a phasing schedule amendment and modifications to the improvement standards. The project has been delayed in the Gardnerville portion due to weather constraints, but the contractor has finished construction on access from Gilman to south side of the project. Mr. Anderson is asking for support to modify street and alley sections in the project. Heybourne was proposed as a wide street with sidewalk landscape strip and 8 feet parking strips, but the County does not want parking on Heybourne. In effect this would be taking 16 feet away from Douglas County to maintain on Heybourne and adding 4 feet of pavement to the alleys that the Town would maintain.

Mr. Keele said that even though this is not an action item, to discuss constitutes action under the Ethics law, and he advised Mr. Bernard not to be in the discussion. Mr. Bernard said that he will not participate in the discussion, understanding that there is no vote.

Mr. Condron asked when a dwelling built in Minden is foreseen under this project. Mr. Anderson said that is very difficult to answer; it is predicated on many factors, but it will hopefully be less than a decade.

Public Comment:

Mr. McMillan likened Heybourne Road, a major traffic producer, to an hourglass. Narrowing the road down because parking is eliminated is not visionary; we do not need strangulation on traffic. He visualizes Heybourne as a major marketing area when developed; we would be limiting our development by making the road smaller. Also his vision of alleys is black cats, overturned trash cans and litter. Mr. Anderson responded that the alley concept is a design feature required by Douglas County. When this project was approved, the county did not want driveways accessing Heybourne Road. This latest option would widen the alleys. Mr. Hill supported the additional width on alleys.

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Barbra Smallwood said that she was more confused tonight than she was last night at Gardnerville's meeting, where she heard nothing about the front doors facing the alleys. Mr. Anderson said the County is supportive of no parking on Heybourne as not to restrict traffic. They do not want to face the homes onto Heybourne and eliminate the alleys. Ms. Smallwood said that she cannot attempt to catch up with how this is working.

Bob Pohlman said that the existing Heybourne Road is 48 foot wide at Monterra with 12 foot wide lanes; why would the new section not be compatible with the existing? Also, at the present time if this development is completed and Monterra isn't finished, we will have a huge problem at the roundabout if Muller Parkway is not completed.

Sandy Deyo said he has a problem with Heybourne Road. North of Buckeye it is wide; he felt that the County should continue using the same standard. In closing, Mr. Anderson said that obviously there are several concerns expressed about the width of Heybourne. The function of the road remains the same as elsewhere; he said the County traffic engineer believes that it will function even better with no parking and a bike lane.

Mr. Anderson said the alleys would be named; actually alleys have been implemented because the towns have embraced them. One side of the alley would be designated no parking. He requested feedback and direction from the town.

Mr. Keele said that because of the manner this item was noticed, each Board member may comment as they see fit, but the feelings of the board cannot be summarized.

**6. Discussion and possible action to approve, approve with conditions, continue, or deny a proposal to establish a committee consisting of a Town Board member, Town Attorney, and Town Manager to negotiate a new Lease for the Minden Electric Company in the CVIC Hall Annex, 1604 Esmeralda Avenue, Suite 203, and present the lease for the Board's approval at a future Town Board meeting. Appearance by Town Manager.**

Mr. Van Alyne said that the Minden Electric lease is coming due; and he would like to form a committee as has been the recent history. The current lease expires June 30, we could extend the new lease to February but it is time to negotiate.

Mr. Stephans would like both leases to be the same with modifications addressing the type of business. Mr. Condrón asked to communicate as soon as possible any new expectations in Minden Electric lease. Ms. Stangle asked if we can instruct Mr. Van Alyne to meet with Town attorney to come up with lease. Mr. Condrón suggested that he is available if a Board member as a point of referral is needed.

No public comment.

Bernard/Stangle moved to approve a proposal to establish a committee consisting of Town Board member Condrón, Town Attorney, and Town Manager to negotiate a new Lease for the Minden Electric Company in the CVIC Hall Annex, 1604 Esmeralda Avenue, Suite 203, and present the lease for the Board's approval at the June 2011 Town Board meeting. Motion carried unanimously.

**7. Discussion and possible action to approve, approve with conditions, continue, or deny a proposal to establish a committee or committees consisting of one or two Town Board member(s), Town Engineer, and Town Manager to review and prepare comments on Chapters 12 and 13 of the Douglas County Master Plan and present the comments for the Board's approval at a future Town Board meeting. Appearance by Town Manager.**

Mr. Van Alyne said that the comments requested by the County concerning Chapter 12 related to infrastructure and water system are due June 10. Chapter 13 which establishes Minden and

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Gardnerville as a community planned area are due September 13 and there will be much more effort involved.

Mr. Keele said a committee working on this must be noticed as a meeting. Two Board members working on a committee have the ability to formulate policy if recommending to remainder of the Board.

Mr. Bernard asked if this would be seen as a public meeting workshop process, and how we participate in the public workshops. Mr. Van Alyne said the committee efforts would result in a product back to Douglas County planning. Mr. Van Alyne has represented the Town but is not there as a policy maker. Mr. Keele said that if two Board members go as policy makers to public workshops, this should be noticed as possible quorum.

Mr. Condrón said that he would like to see Town Board members appointed to a committee, and notice the meetings, inviting the public to participate in both 12 & 13, reporting back to the Board.

Ms. Stangle agreed, and Mr. Thaler would like to see Mr. Bernard appointed because of his expertise.

Public comment:

Barbara Smallwood said she is a 30 year resident of Gardnerville, and has seen many projects move forward; she is concerned with the approved density levels. She encouraged the Board to participate in the updates in order to continue the excellent job done in Minden.

Mr. Bernard and Mr. Condrón volunteered to serve on the committee.

Thaler/Stangle motioned to approve to establish a committee of two Board members, Mr. Condrón and Mr. Bernard, the Town Engineer, and the Town Manager to review and prepare comments on Chapters 12 and 13 of the Douglas County Master Plan and present the comments for the Board's approval at a future Town Board meeting.

**8. Discussion and possible action to approve, approve with conditions, continue, or deny the Town of Minden Fiscal Year 2011-2012 Final Budget. This action may include discussion and selection of Budget Option A, providing funding for an average four percent (4%) merit increase for employees, or Budget Option B, providing funding for freezing salaries at Fiscal Year 2010-2011 levels. Appearance by Town Manager.**

Final budget presented tonight in the packet covers Budget Option B which includes a salary freeze. Also, the changes that were approved at the April Board meeting are incorporated into the final budget documents.

Mr. Thaler pointed out the error on the paperwork concerning budget year, and asked Mr. Van Alyne which option he believed was best, as he had no printed recommendation. Mr. Van Alyne said he did not feel a recommendation from him was appropriate as a staff member.

Mr. Condrón said that looking at revenue history and being charged with the fiduciary responsibility, he did not believe that we should increase salaries in today's financial climate. We are losing revenue and it is not a time to hand out raises.

Mr. Stephans said that earlier this evening we lowered Minden's ad valorem tax rate which is perpetual. We have are budgeted using the worst case scenario and a hold on wages right now is most prudent.

Mr. Thaler felt that this is a policy decision and questioned if historically we have followed what the

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County has done. Mr. Van Alyne said that we have for the most part but not 100% of the time. Mr. Thaler believed that we should be as conservative as possible, knowing that later on we have the opportunity later to augment if desired. We can see what the County does and adjust.

Mr. Van Alyne pointed out that there is a substantial drop in revenue in the Retail Water fund 640 because of the Wholesale Water fund 639. In the trash fund we have seen reductions in revenue for a number of reasons.

Public Comment:

Sandy Deyo said that the only time we may get the ad valorem back is if the County decides to give it back regardless of economic condition.

Bev Giannopoulos favored Option B. She assumed that CVIC was in the red because of the number of waivers. John noted that the CVIC had received rent payments and there is now a positive balance; we do not want to make money, only break even.

Robert McMillan said that concerning the Hall, when he sees a deficit he does not see losing money. We lost revenue when the manager was hired; formerly there were three tenants, and now there are two. Those two tenants are not supposed to make this hall free for everyone else.

Mr. Van Alyne said that we conservatively budgeted for revenue for the CVIC Hall; revenue is down for a number of reasons.

Condrion/Bernard moved to approve the Town of Minden Fiscal Year 2011-2012 Final Budget using Budget Option B. Motion carried unanimously.

### 5. Board member reports:

#### a. Board member comments:

Ms. Stangle announced that May 31 is the first Farmers Market. On June 14 the downtown merchants will be hosting Business after Hours for the Chamber of Commerce. The Spring Street Fair is the first weekend in June.

Mr. Thaler met with the Carson Valley Arts Council concerning economic development; they have ideas on how to incorporate the Arts Council with Economic Development.

#### b. Chairman's report: John Stephans

We are working with East Fork paramedics to schedule AED and CPR training

Mr. Stephans presented the concept of hosting an old fashioned BBQ in Minden Park for the 4<sup>th</sup> of July. We would have the La France fire truck and calliope, picnic lunch with hot dogs and fixings, kid's parade and games, a dunk tank and old time music. It would not conflict with other area events because it would be earlier in the day. The Board and staff could cook and serve the BBQ.

The Board agreed this was a great idea. Mr. Condrion encouraged ways to advertise, and suggested the use of door hangers.

Ms. Stangle said that posters are a great way to advertise and she volunteered to work with Kregg Herz to produce a poster.

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Mr. Thaler offered to match dollar for dollar anyone that wants to dunk Mr. Keele.

Mr. Bernard offered to pass out door hangers. Mr. Stephans thought the entire board should walk the community and hand out the door hangers.

Public comment:

Sandy Deyo said he thought this is a good idea.

Bill Souigny offered to help out.

Beverly Giannopulos was all for it, and volunteered to help.

This will be brought back for action at the June board meeting.

**IV. ADJOURNMENT**

Thaler/Condron moved to adjourn at 8:58 p.m. Motion carried unanimously